

AMENDED IN SENATE AUGUST 15, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2220

Introduced by Assembly Member Gatto

February 24, 2012

An act to amend Section 9085 of the Elections Code, and to amend Section 88002.5 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2220, as amended, Gatto. Elections: statewide ballot pamphlet.

The Political Reform Act of 1974 requires the Legislative Analyst to prepare an impartial analysis of each initiative measure to appear on the ballot, and provides that the Legislative Analyst is solely responsible for determining the content of the analysis. The act requires the Legislative Analyst to prepare an impartial fiscal analysis of a measure that is included in the ballot pamphlet stating whether the measure would increase or decrease any revenue or cost to state or local government. Existing law also requires the Legislative Analyst to prepare for inclusion in the ballot pamphlet a summary statement regarding the general meaning and effect of “yes” and “no” votes on each state measure.

The Political Reform Act of 1974, an initiative statute, generally provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements. The act also provides that, notwithstanding this requirement, the Legislature may, without restriction, amend specified provisions of the act to add to the ballot pamphlet information regarding candidates or other information.

This bill would, except as specified, require, if a fiscal analysis prepared by the Legislative Analyst determines that a measure would provide an increase in revenues to fund new or existing programs, *create a new fund, or create or change a funding formula for one or more specified programs*, that ~~a specified language paragraph, if applicable,~~ be added at the end of the “yes” and “no” summary statement in the ballot pamphlet ~~advising that, unless changed by a future measure approved by the voters, the initiative would forever dedicate the revenue it generates to programs identified in the initiative by its backers and that these revenues would not be available to meet other responsibilities of the state not identified in the initiative~~ *voters as to the effect of the initiative measure on state funding requirements*. The bill also would contain a finding and declaration of the Legislature that the bill permits or requires additional information to be included in the ballot pamphlet in accordance with the provision of the Political Reform Act of 1974 described above that authorizes the Legislature to add information to the ballot pamphlet.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9085 of the Elections Code is amended
2 to read:
3 9085. (a) The ballot pamphlet shall also contain a section,
4 located near the front of the pamphlet, that provides a concise
5 summary of the general meaning and effect of “yes” and “no”
6 votes on each state measure.
7 (b) The summary statements required by this section shall be
8 prepared by the Legislative Analyst. These statements are not
9 intended to provide comprehensive information on each measure.
10 The Legislative Analyst shall be solely responsible for determining
11 the contents of these statements. The statements shall be available
12 for public examination and amendment pursuant to Section 9092.
13 (c) (1) Except as provided in ~~paragraph~~ *paragraphs (2) and*
14 *(3)*, if an initiative measure qualifies for the ballot and the analysis
15 prepared pursuant to Section 9087 determines that the initiative
16 measure would provide for an increase in revenues to fund new
17 or existing programs, *create a new fund, or create or change a*
18 *funding formula for one or more specified programs*, the

Legislative Analyst shall add a paragraph at the end of the summary statement prepared pursuant to this section, stating ~~as follows in boldface type one of the following, if applicable:~~

(A) *“Unless changed by a future voter-approved initiative, this initiative would permanently dedicate state funding to the program(s) identified, and these funds would not be available to meet other responsibilities of the state.”*

(B) *“Unless changed by a future voter-approved initiative, or by a supermajority vote of each house of the Legislature and approval by the Governor, this initiative would permanently dedicate state funding to the program(s) identified, and these funds would not be available to meet other responsibilities of the state.”*

(C) *“Unless changed by a future voter-approved initiative, or by a supermajority vote of each house of the Legislature and approval by the Governor, this initiative would permanently create and lock in a formula for the state budget.”*

(D) ~~“Unless changed by a future measure approved by the voters voter-approved initiative, this initiative would forever permanently~~ dedicate the revenue it generates to ~~programs the program(s)~~ identified ~~in the initiative by its backers, and these revenues would~~ not be available to meet other responsibilities of the state ~~not identified in the initiative.”~~

(2) ~~Paragraph Subparagraph (D) of paragraph (1)~~ shall not apply if the measure provides that the increase in revenues is to be deposited without restriction into the General Fund commencing at a future date after its enactment, or if the initiative measure allows the Legislature to reallocate the increase in revenues.

(3) *If the Legislative Analyst determines that no subparagraph set forth in paragraph (1) is applicable, the Legislative Analyst shall add a paragraph at the end of the summary statement prepared pursuant to this section stating, in boldface type and in a form similar to that prescribed by the subparagraphs set forth in paragraph (1), the effect of the initiative measure on state funding requirements.*

SEC. 2. Section 88002.5 of the Government Code is amended to read:

88002.5. (a) The ballot pamphlet shall also contain a section, located near the front of the pamphlet, that provides a concise summary of the general meaning and effect of “yes” and “no” votes on each state measure.

(b) The summary statements required by this section shall be prepared by the Legislative Analyst. These statements are not intended to provide comprehensive information on each measure. The Legislative Analyst shall be solely responsible for determining the contents of these statements. The statements shall be available for public examination and amendment pursuant to Section 88006.

(c) (1) Except as provided in ~~paragraph~~ paragraphs (2) and (3), if an initiative measure qualifies for the ballot and the analysis prepared pursuant to Section 88003 determines that the initiative measure would provide for an increase in revenues to fund new or existing programs, *create a new fund, or create or change a funding formula for one or more specified programs*, the Legislative Analyst shall add a paragraph at the end of the summary statement prepared pursuant to this section, stating ~~as follows in boldface type one of the following, if applicable:~~

(A) *“Unless changed by a future voter-approved initiative, this initiative would permanently dedicate state funding to the program(s) identified, and these funds would not be available to meet other responsibilities of the state.”*

(B) *“Unless changed by a future voter-approved initiative, or by a supermajority vote of each house of the Legislature and approval by the Governor, this initiative would permanently dedicate state funding to the program(s) identified, and these funds would not be available to meet other responsibilities of the state.”*

(C) *“Unless changed by a future voter-approved initiative, or by a supermajority vote of each house of the Legislature and approval by the Governor, this initiative would permanently create and lock in a formula for the state budget.”*

(D) *“Unless changed by a future ~~measure approved by the voters~~ voter-approved initiative, this initiative would ~~forever~~ permanently dedicate the revenue it generates to ~~programs~~ the program(s) identified in the initiative by its backers, and these revenues would not be available to meet other responsibilities of the state ~~not identified in the initiative.~~”*

(2) ~~Paragraph~~ Subparagraph (D) of paragraph (1) shall not apply if the measure provides that the increase in revenues is to be deposited without restriction into the General Fund commencing at a future date after its enactment, or if the initiative measure allows the Legislature to reallocate the increase in revenues.

1 (3) *If the Legislative Analyst determines that no subparagraph*
2 *set forth in paragraph (1) is applicable, the Legislative Analyst*
3 *shall add a paragraph at the end of the summary statement*
4 *prepared pursuant to this section stating, in boldface type and in*
5 *a form similar to that prescribed by the subparagraphs set forth*
6 *in paragraph (1), the effect of the initiative measure on state*
7 *funding requirements.*

8 SEC. 3. The Legislature finds and declares that this act permits
9 or requires the inclusion of additional information on the ballot
10 pamphlet in accordance with Section 88007 of the Government
11 Code.